

# ATTACHMENT D

WENDEROTH, LIND & PONACK, L.L.P.  
1030 15<sup>TH</sup> Street, N.W., Suite 400 East  
Washington, D.C. 20005-1503

Telephone: (202)721-8200

Facsimile: (202)721-8250

## **FAX TRANSMISSION COVER SHEET**

To: Accounting Division Refund Branch  
Company Name: United States Patent and Trademark Office  
Fax Number: 1-571-273-6500  
From: Carol L. Husband, Senior Accounting Manager  
Date: November 5, 2010  
Re: Serial No. 10/593,461

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TOTAL NUMBER OF PAGES TRANSMITTED, INCLUDING COVER SHEET 3

Message:

Attached please find a copy of a Request for Refund which was faxed to you on September 29, 2009. Also attached is proof of the successful fax transmission.

Please accept this faxed copy as of the original date of September 29, 2009. Your prompt consideration is requested.

Sincerely,



Carol L. Husband  
Senior Accounting Manager

### CONFIDENTIALITY

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Fax Operator: Carol Husband

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Via Facsimile to (571) 273-6500  
ACCOUNTING DIVISION REFUND BRANCH

REQUEST FOR REFUND

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants' attorney has been informed that his PTO Deposit Account (No. 23-0975) was charged an amount of \$1,050.00 for a three month extension of time on April 30, 2009. Applicants' attorney respectfully submits that this charge was improper.

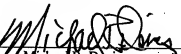
An Office Action was mailed December 3, 2008 in Serial No. 10/593,461. On May 4, 2009 (after filing a Request for New Office Action and Resetting Date for Response on April 8, 2009), Applicants filed an amendment in response to the Office Action of December 3, 2008, together with a petition for a two month extension of time, including the PTO fee of \$490. There was thus no valid reason for charging a three month extension of time to Applicants' attorney's Deposit Account. The response to the Office Action of December 3, 2008 was timely filed on May 4, 2009 with a two month extension of time. Applicants' attorney notes that May 4, 2009 is a Monday, and therefore, filing the response and extension on this date was timely.

Under these circumstances, Applicants' attorney request that the amount of \$1,050 be refunded to his Deposit Account (No. 23-0975).

If there are any questions regarding this matter, please contact Donna Reynolds, Accounting Assistant, at (202) 721-8246. We appreciate your kind assistance.

Respectfully submitted,

Peter HEROLD et al.

By 

Michael R. Davis  
Registration No. 25,134  
for Applicants

MRD/pth  
Washington, D.C. 20005-1503  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
September 29, 2009

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4:16 PM 9/29/2009 Transmission Record

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